

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES OF THE IL WU-PMA PENSION
PLAN,

Plaintiff,

No. C 08-03136 JSW

v.

EMELDA PETERS, et al.,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

EMELDA PETERS,

Cross-Complainant,

v.

DOROTHY ELDRIDGE,

Cross-Defendant.

The Court has reviewed Magistrate Judge Joseph C. Spero's Report and Recommendation ("Report") regarding Dorothy Eldridge's motion for summary judgment, the Trustees of the ILWU-PMA Pension Plan's ("Trustees") applications for default judgment against Rose Peters and Joyce Chapman. The time for filing objections has passed, and there have been no objections filed thereto.¹ The Court finds the Report correct, well-reasoned and

¹ Although Emelda Peters did not file objections to the report and recommendation, Emelda Peters submitted a letter on September 15, 2009 in which she states that Magistrate Judge Spero did not have jurisdiction to issue the Report because Rose Peters did not file a consent to have this case heard by a magistrate judge and because this Court did not designate Magistrate Judge Spero to issue a report and recommendation. The Court finds

1 thorough, and adopts it in every respect. Accordingly, the Court GRANTS Dorothy Eldridge's
2 motion for summary judgment and GRANTS the Trustee's applications for default judgment
3 against Rose Peters and Joyce Chapman.

4 **IT IS SO ORDERED.**

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6 Dated: September 21, 2009


7 JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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26 Emelda Peter's belated and procedurally improper attempt to object to the Report is not well
27 taken. This Court referred this action for all purposes to Magistrate Judge Spero on April 20,
28 2009. By June 15, 2009, it was clear that Rose Peters was not going to appear in this matter.
On July 16, 2009, Magistrate Judge Spero issued his Report. Any objections to the Report
were due by July 30, 2009. The Court finds that its authority to designate a magistrate judge
to conduct hearings and submit proposed findings of facts and recommendations for the
disposition encompasses the ability to consider a report and recommendation that has been
issued.